

# HOUSE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTIETH LEGISLATURE

THIRTY-SECOND LEGISLATIVE DAY  
THURSDAY, FEBRUARY 12, 2009

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.  
Absent and excused – Nielsen. Total – 1.  
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Travyn Mapes, Page.

### Approval of Journal

February 12, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-first Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

At this time, the Speaker put the House at ease.

A Lincoln Day Memorial Service was presented to the members of the House.

Posting of the Colors.....Idaho State Police Honor Guard

Pledge of Allegiance..... Travyn Mapes, House Page

Invocation .....Representative Bob Nonini

Welcome and Intro of Program .....Representative Donna Boe

"Remembering Lincoln" ..... David Leroy

"America the Beautiful" .....Julie Field

"Lincoln's Excerpts" .....Representative Rich Wills

Concluding Remarks .....Lawrence Denney  
Speaker of the House

"Battle Hymn of the Republic" .....Julie Field

Retiring of the Colors.....Idaho State Police Honor Guard

Prior to going at ease, the House was at the Third Order of Business.

### Consideration of Messages from the Governor and the Senate

February 11, 2009

Mr. Speaker:

I transmit herewith [S 1042](#), [S 1002](#), and [S 1008](#) which have passed the Senate.

WOOD, Secretary

[S 1042](#), [S 1002](#), and [S 1008](#) were filed for first reading.

February 11, 2009

Mr. Speaker:

I return herewith [H 3](#), [H 4](#), [H 11](#), [H 12](#), [H 13](#), and [H 15](#) which have passed the Senate.

WOOD, Secretary

[H 3](#), [H 4](#), [H 11](#), [H 12](#), [H 13](#), and [H 15](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

### Report of Standing Committees

February 12, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 16](#), [HCR 17](#), [H 93](#), [H 94](#), [H 95](#), [H 96](#), [H 97](#), [H 98](#), [H 99](#), [H 100](#), and [H 101](#).

CLARK, Chairman

[HCR 16](#) was referred to the Environment, Energy, and Technology Committee.

[HCR 17](#) was filed for second reading.

[H 93](#), [H 94](#), [H 95](#), [H 96](#), [H 97](#), and [H 98](#) were referred to the Transportation and Defense Committee.

[H 99](#), [H 100](#), and [H 101](#) were referred to the Agricultural Affairs Committee.

February 11, 2009

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that [HCR 13](#) be returned to the Desk for re-referral.

RAYBOULD, Chairman

[HCR 13](#) was filed for second reading.

February 11, 2009

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 40](#) and recommend that it do pass.

BLACK, Chairman

[H 40](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

### **Motions, Memorials, and Resolutions**

#### **HOUSE CONCURRENT RESOLUTION NO. 18 BY RESOURCES AND CONSERVATION COMMITTEE**

##### **A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE, REQUESTING THE NATURAL RESOURCES INTERIM COMMITTEE APPOINTED BY THE LEGISLATIVE COUNCIL TO GATHER INFORMATION AND TO PRESENT FINDINGS AND RECOMMENDATIONS TO THE LEGISLATURE AND REQUESTING THE DEPARTMENTS OF AGRICULTURE, FISH AND GAME AND LANDS AND THE OFFICE OF SPECIES CONSERVATION TO PROVIDE INFORMATION AND RECOMMENDATIONS TO THE INTERIM COMMITTEE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Idaho's working forests, ranches and farms provide important benefits to all Idahoans by sustaining Idaho's economy, food and fiber production, the heritage of local communities, habitat for fish and wildlife, intact watersheds for clean water and opportunities to hunt, fish and enjoy the outdoors; and

WHEREAS, working forests, ranches and farms, and the benefits they provide, have been lost to other uses over the past several decades and are expected to continue to do so at a rapid rate; and

WHEREAS, many of Idaho's rural landowners are deeply committed to maintaining agriculture and forestry traditions and to serving as stewards of natural resources and wildlife; and

WHEREAS, Idahoans support protecting working forests, ranches and farms as well as the wildlife, access and other benefits these lands provide.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Natural Resources Interim Committee appointed by the Legislative Council is requested to gather information from interested groups and existing resources regarding:

- (1) The extent of conversion of working forests, ranches and farms to other uses;
- (2) The effects of such conversions on local economies, agricultural heritage, timber resources, wildlife habitat and recreational opportunities;
- (3) The strengths and shortcomings of existing programs designed to keep forests, ranches and farms working; and
- (4) The need and opportunity for a suite of state policy tools to:
  - (i) Address the loss of working forests, ranches and farms and to protect the health of fish and wildlife populations;
  - (ii) Provide programs for voluntary enrollment to access forest lands;
  - (iii) Sustain economic contributions of working lands;
  - (iv) Maintain opportunities for outdoor recreation; and
  - (v) Reward good land stewardship.

BE IT FURTHER RESOLVED that the Natural Resources Interim Committee is requested to seek the view of representatives from forestry, ranching, farming, sporting, conservation, business organizations and the public in gathering the information.

BE IT FURTHER RESOLVED that the Natural Resources Interim Committee is requested to present its findings and recommendations to the Second Regular Session of the Sixtieth Idaho Legislature.

BE IT FURTHER RESOLVED that the Department of Agriculture, the Department of Fish and Game, the Department of Lands and the Office of Species Conservation are encouraged to provide information and recommendations relevant to the Natural Resources Interim Committee's study.

#### **HOUSE JOINT MEMORIAL NO. 1 BY RESOURCES AND CONSERVATION COMMITTEE** **A JOINT MEMORIAL**

TO THE PRESIDENT OF THE UNITED STATES, THE SECRETARY OF THE INTERIOR, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixtieth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, gray wolves were introduced into Idaho in 1995 by the United States over the objections of the Idaho Legislature upon the premise that the population would be fully recovered upon the establishment of 100 wolves and ten breeding pairs in Central Idaho, with similar populations in Northwestern Montana and the Greater Yellowstone area for three consecutive years, with dispersal and genetic connectivity among the three populations; and

WHEREAS, in 2002, the United States Fish and Wildlife Service affirmed that numeric recovery goals for the gray wolf in the Northern Rocky Mountains had been achieved upon the establishment of 100 wolves and ten breeding pairs each in Idaho, Montana and Wyoming for three consecutive years; and

WHEREAS, the state of Idaho has in good faith cooperated to achieve wolf recovery in accordance with the standards established by the federal government, with the understanding that Idaho would regain its authority to manage wolves in the same fashion it manages its other wildlife; and

WHEREAS, the wolf population in Idaho, Montana and Wyoming has surpassed the numeric recovery goal every year since 2000 and there is now proof of dispersal, genetic connectivity, and interbreeding of wolf populations among all three states; and

WHEREAS, the current wolf population in Idaho includes an estimated minimum of 800 to 850 individuals, comprising at least 88 packs and 38 breeding pairs; and

WHEREAS, the United States Department of Agriculture Wildlife Services estimated that in 2008, 26 of these packs were chronically depredating packs and predation by the growing population of gray wolves is having an increasing impact on the livestock industry in Idaho; and

WHEREAS, unchecked predation by wolves has also reduced elk populations in portions of Idaho to a point where hunting opportunities must be reduced, with economic impacts to businesses and communities dependent on hunting, and the continued growth of the gray wolf population far beyond recovery levels will have profound economic consequences for people and communities in Idaho; and

WHEREAS, the United States Fish and Wildlife Service approved the state of Idaho's wolf population management plan, thereby supporting Idaho's exercise of authorities for certain control and management actions for listed species pursuant to

section 10(j) of the Endangered Species Act and supporting full state management following delisting; and

WHEREAS, in his July 18, 2008, decision overturning a previous version of the delisting rule on other grounds, U.S. District Court Judge Donald Molloy indicated that the state of Idaho's legislative framework and state wolf population management plan were not likely to threaten the continued existence of the wolf in Idaho; and

WHEREAS, the United States, in the draft final rule announced by the U.S. Fish and Wildlife Service on January 14, 2009, confirmed that the best available science proves that the gray wolf population in Idaho is fully recovered; and

WHEREAS, for purely administrative purposes, the incoming Administration of President Barack Obama ordered that the draft final rule removing Northern Rocky Mountain gray wolves from the list of endangered and threatened species be indefinitely withheld from publication in the Federal Register.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the United States is urged to honor the commitment made to Idaho that wolves would be delisted upon fulfillment of the 1994 recovery standards.

BE IT FURTHER RESOLVED that the Idaho Legislature expresses its support for the draft final rule submitted by the United States Fish and Wildlife Service to delist the gray wolf population in Idaho.

BE IT FURTHER RESOLVED that the President be urged to withdraw the directive suspending publication of the rule removing Northern Rocky Mountain gray wolves from the list of endangered and threatened species and that the President and his Administration be urged to allow that rule to take effect and defend the rule against any legal challenges.

BE IT FURTHER RESOLVED that the Idaho Department of Fish and Game and the Governor's Office of Species Conservation are requested to support and defend the delisting of gray wolves in Idaho.

BE IT FURTHER RESOLVED that the Idaho Department of Fish and Game and the Governor's Office of Species Conservation are requested to take all appropriate lawful actions, both pending and following delisting, to control wolf-caused depredation on domestic animals and to control wolves in areas with unacceptable impacts to Idaho's big game species, to support the responsible management of all of Idaho's wildlife and to provide for the public welfare, economic well-being and security of Idaho citizens.

BE IT FURTHER RESOLVED that, so long as wolf populations in Idaho are listed under the Endangered Species Act, the Idaho Department of Fish and Game and the Governor's Office of Species Conservation are requested to annually determine, and report to the Legislature, the amount of monetary damages caused to Idaho's economic interests by wolf predation on domestic animals and wildlife for the time period when inaction by the federal government has prevented Idaho from fully managing wolves located in the state.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the Interior, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

**HCR 18** and **HJM 1** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 102  
BY JUDICIARY, RULES, AND ADMINISTRATION  
COMMITTEE  
AN ACT**

RELATING TO COUNTIES; AMENDING SECTION 31-857, IDAHO CODE, TO PROVIDE THAT CHALLENGES TO PROCEEDINGS AND JURISDICTIONAL STEPS PRECEDING ORDERS RELATING TO THE CREATION, ESTABLISHMENT, DISESTABLISHMENT, DISSOLUTION OR MODIFICATION OF CERTAIN DISTRICTS SHALL NOT BE HEARD OR CONSIDERED FOLLOWING THE LAPSE OF A SPECIFIED PERIOD OF TIME.

**HOUSE BILL NO. 103  
BY JUDICIARY, RULES, AND ADMINISTRATION  
COMMITTEE  
AN ACT**

RELATING TO COUNTY FEES AND THE PROTECTION OF PERSONS UNDER DISABILITY; REPEALING SECTION 2, CHAPTER 55, LAWS OF 2005, RELATING TO A SUNSET DATE FOR THE GUARDIANSHIP PILOT PROJECT FUND; AMENDING SECTION 15-5-404, IDAHO CODE, TO PROVIDE THAT FINANCIAL PLANS FILED IN CERTAIN CONSERVATORSHIP CASES ARE SUBJECT TO EXAMINATION AND REVIEW AS PROVIDED BY RULES ADOPTED BY THE IDAHO SUPREME COURT; AMENDING SECTION 15-5-418, IDAHO CODE, TO PROVIDE THAT INVENTORY AND RECORDS FILED IN CERTAIN CONSERVATORSHIP CASES ARE SUBJECT TO EXAMINATION AND REVIEW AS PROVIDED BY RULES ADOPTED BY THE IDAHO SUPREME COURT; AND AMENDING SECTION 15-5-419, IDAHO CODE, TO PROVIDE THAT ACCOUNTS AND REPORTS FILED IN CERTAIN CONSERVATORSHIP CASES ARE SUBJECT TO EXAMINATION AND REVIEW AS PROVIDED BY RULES ADOPTED BY THE IDAHO SUPREME COURT.

**HOUSE BILL NO. 104  
BY JUDICIARY, RULES, AND ADMINISTRATION  
COMMITTEE  
AN ACT**

RELATING TO COORDINATED FAMILY SERVICES; AMENDING SECTION 32-1402, IDAHO CODE, TO PROVIDE THAT A DOMESTIC VIOLENCE COURT COORDINATOR IS AN EFFECTIVE RESPONSE TO ADDRESS THE NEEDS OF FAMILIES AND CHILDREN; AMENDING SECTION 32-1407, IDAHO CODE, TO PROVIDE THAT A DOMESTIC VIOLENCE COURT COORDINATOR SHALL SUBMIT TO A FINGERPRINT-BASED CRIMINAL HISTORY CHECK; AMENDING CHAPTER 14, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-1408, IDAHO CODE, TO PROVIDE A STATEMENT OF POLICY RELATING TO DOMESTIC VIOLENCE COURTS; AMENDING CHAPTER 14, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-1409, IDAHO CODE, TO PROVIDE FOR DOMESTIC VIOLENCE COURTS; AND AMENDING CHAPTER 14, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-1410, IDAHO CODE, TO PROVIDE FOR DOMESTIC

VIOLENCE COURT FEES AND THE DISTRIBUTION OF DOMESTIC VIOLENCE COURT FEES.

**HOUSE BILL NO. 105**  
**BY JUDICIARY, RULES, AND ADMINISTRATION**  
**COMMITTEE**  
 AN ACT

RELATING TO FEES; AMENDING SECTION 1-2303, IDAHO CODE, TO INCREASE THE FILING FEE FOR SMALL CLAIMS CASES AND TO REVISE THE DISTRIBUTION OF THE FILING FEE FOR SMALL CLAIMS CASES TO PROVIDE THAT A CERTAIN AMOUNT SHALL BE DEPOSITED IN THE SENIOR MAGISTRATE JUDGES FUND; AMENDING SECTION 31-3201A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN DISTRICT COURT FEES, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 18-918, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

**HOUSE BILL NO. 106**  
**BY JUDICIARY, RULES, AND ADMINISTRATION**  
**COMMITTEE**  
 AN ACT

RELATING TO JUDGMENT; AMENDING SECTION 19-2522, IDAHO CODE, TO PROVIDE THAT PROFESSIONALS DETERMINED BY THE COURT TO BE QUALIFIED TO EXAMINE A DEFENDANT'S MENTAL CONDITION MAY BE APPOINTED BY THE COURT TO EXAMINE AND REPORT UPON THE MENTAL CONDITION OF THE DEFENDANT AT SENTENCING AND TO PROVIDE THAT IF A MENTAL HEALTH EXAMINATION OF THE DEFENDANT HAS PREVIOUSLY BEEN CONDUCTED PURSUANT TO SECTION 19-2524, IDAHO CODE, AND THE COURT DETERMINES THAT SUCH EXAMINATION AND REPORT PROVIDE CERTAIN NECESSARY INFORMATION, THEN THE COURT NEED NOT ORDER AN ADDITIONAL EXAMINATION OF THE DEFENDANT'S MENTAL CONDITION AT SENTENCING.

**HOUSE BILL NO. 107**  
**BY JUDICIARY, RULES, AND ADMINISTRATION**  
**COMMITTEE**  
 AN ACT

RELATING TO EXECUTION; AMENDING SECTION 19-2716, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE INFLICTION OF THE DEATH PENALTY AND TO CORRECT A CODIFIER'S ERROR.

**HOUSE BILL NO. 108**  
**BY BUSINESS COMMITTEE**  
 AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-2103, IDAHO CODE, TO REVISE WHO SHALL BE PERMITTED TO REMAIN ON CERTAIN POLICIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTIONS 41-2210, 41-3216 AND 41-3436, IDAHO CODE, TO REVISE WHO SHALL BE PERMITTED TO REMAIN ON CERTAIN CONTRACTS; AMENDING SECTION 41-3923, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS BE PERMITTED TO REMAIN ON CERTAIN CONTRACTS; AMENDING SECTIONS 41-4023 AND 41-4124, IDAHO CODE, TO REVISE WHO SHALL BE PERMITTED TO REMAIN ON CERTAIN CONTRACTS; AMENDING

SECTION 41-4703, IDAHO CODE, TO REVISE WHO SHALL BE PERMITTED TO REMAIN ON CERTAIN PLANS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTIONS 41-5203 AND 41-5501, IDAHO CODE, TO REVISE WHO SHALL BE PERMITTED TO REMAIN ON CERTAIN PLANS.

**HOUSE BILL NO. 109**  
**BY BUSINESS COMMITTEE**  
 AN ACT

RELATING TO THE IDAHO CONTRACTOR REGISTRATION ACT; AMENDING SECTION 54-5210, IDAHO CODE, TO REVISE PROVISIONS RELATING TO INFORMATION SUBMITTED FOR CONTRACTOR REGISTRATION.

**HOUSE BILL NO. 110**  
**BY BUSINESS COMMITTEE**  
 AN ACT

RELATING TO PLUMBING AND PLUMBERS; AMENDING SECTION 54-2614, IDAHO CODE, TO REVISE PROVISIONS RELATING TO REGISTRATION AND FEES FOR APPRENTICES AND SPECIALTY APPRENTICES; AND AMENDING SECTION 54-2614A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO REGISTRATION AND RENEWAL FOR APPRENTICES AND SPECIALTY APPRENTICES.

**HOUSE BILL NO. 111**  
**BY BUSINESS COMMITTEE**  
 AN ACT

RELATING TO ELECTRICAL CONTRACTORS AND JOURNEYMEN; AMENDING SECTION 54-1007, IDAHO CODE, TO REVISE PROVISIONS RELATING TO EXAMINATION AND LICENSING REQUIREMENTS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-1008, IDAHO CODE, TO REVISE PROVISIONS RELATING TO LICENSING AND REGISTRATION PERIODS; AMENDING SECTION 54-1013, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE REVIVAL OF AN EXPIRED LICENSE; AND AMENDING SECTION 54-1014, IDAHO CODE, TO REVISE CERTAIN FEES.

**HOUSE BILL NO. 112**  
**BY BUSINESS COMMITTEE**  
 AN ACT

RELATING TO INSTALLATION OF HEATING, VENTILATION AND AIR CONDITIONING SYSTEMS; AMENDING SECTION 54-5012, IDAHO CODE, TO REVISE THE REGISTRATION PERIOD AND THE REGISTRATION FEE FOR APPRENTICES AND SPECIALTY APPRENTICES.

**HOUSE BILL NO. 113**  
**BY BUSINESS COMMITTEE**  
 AN ACT

RELATING TO PLUMBING AND PLUMBERS; AMENDING SECTION 54-2606, IDAHO CODE, TO REVISE THE POWERS AND DUTIES OF THE IDAHO PLUMBING BOARD AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 54-2617, IDAHO CODE, TO PROVIDE PROCEDURE FOR RENEWAL OF A PLUMBING CONTRACTOR OR JOURNEYMAN CERTIFICATE OF COMPETENCY, TO PROVIDE TIMING AND PROCEDURE FOR RENEWAL OF A PLUMBING SPECIALTY CONTRACTOR AND SPECIALTY

JOURNEYMAN CERTIFICATE OF COMPETENCY AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 114  
BY BUSINESS COMMITTEE**

AN ACT

RELATING TO BUILDING CODES; AMENDING SECTION 39-4109, IDAHO CODE, TO REVISE BUILDING CODE EDITIONS, TO PROVIDE FOR EFFECTIVE DATES FOR BUILDING CODES AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 115  
BY BUSINESS COMMITTEE**

AN ACT

RELATING TO MODULAR BUILDINGS; AMENDING CHAPTER 43, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-4304A, IDAHO CODE, TO PROVIDE FOR APPOINTMENT AND QUALIFICATIONS OF MODULAR BUILDING INSPECTORS.

**HOUSE BILL NO. 116  
BY RESOURCES AND CONSERVATION COMMITTEE**

AN ACT

RELATING TO CONSERVATION EASEMENTS AND AGREEMENTS; AMENDING SECTION 55-2104, IDAHO CODE, TO PROVIDE THAT CERTAIN CONSERVATION AGREEMENTS ARE INVALID; AND AMENDING SECTION 63-605, IDAHO CODE, TO REVISE A DEFINITION; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 117  
BY EDUCATION COMMITTEE**

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-513, IDAHO CODE, TO REVISE A PROVISION RELATING TO A TERM OF EMPLOYMENT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-514, IDAHO CODE, TO REVISE DATES RELATING TO CERTAIN CONTRACTS; AMENDING SECTION 33-515, IDAHO CODE, TO REVISE A NOTIFICATION DATE, TO REVISE PROVISIONS RELATING TO CERTAIN CONTRACTS, TO PROVIDE FOR NOTICE AND TO PROVIDE FOR A HEARING; AMENDING SECTION 33-521, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN SEVERANCE PAYMENTS; AMENDING SECTION 33-1004, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DETERMINATION OF CERTAIN ALLOWANCES AND TO REVISE A MULTIPLIER; AMENDING SECTION 33-1004A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A CERTAIN EXPERIENCE FACTOR AND TO REVISE MULTIPLIERS FOR CERTAIN EDUCATION FACTORS; REPEALING SECTION 33-1004G, IDAHO CODE, RELATING TO EARLY RETIREMENT INCENTIVE; AMENDING SECTION 33-1004H, IDAHO CODE, TO REVISE PROVISIONS RELATING TO EMPLOYING RETIRED TEACHERS AND ADMINISTRATORS; AMENDING SECTION 33-1271, IDAHO CODE, TO PROVIDE THAT CONTRACTS RESULTING FROM A CERTAIN RATIFICATION SHALL END AT A CERTAIN TIME AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-1276, IDAHO

CODE, TO PROVIDE FOR CERTAIN POWERS OF THE BOARD OF TRUSTEES UPON A DECLARATION OF A FINANCIAL EMERGENCY BY THE STATE; DECLARING THAT THE LEGISLATURE RECOGNIZES THAT SCHOOL DISTRICTS AND PUBLIC CHARTER SCHOOLS WILL RECEIVE REDUCED FUNDING AND ENCOURAGES THE DISTRICTS AND PUBLIC CHARTER SCHOOLS TO ACCOMMODATE SUCH REDUCTIONS; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 118  
BY EDUCATION COMMITTEE**

AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING SECTION 33-1006, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE TRANSPORTATION SUPPORT PROGRAM, TO PROVIDE FOR THE ELIMINATION OF STATE REIMBURSEMENT FOR CERTAIN COSTS, TO REVISE STATE REIMBURSEMENT FOR CERTAIN COSTS, TO REVISE PROVISIONS RELATING TO THE CALCULATION FOR REIMBURSEMENT, TO REVISE PROVISIONS RELATING TO QUALIFYING AS A HARDSHIP AND TO DELETE A LOAN PROVISION; AND AMENDING SECTION 33-5208, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A CERTAIN APPROPRIATION FOR PUBLIC CHARTER SCHOOLS AND TO REVISE PROVISIONS RELATING TO REIMBURSEMENT FOR PUBLIC CHARTER SCHOOL TRANSPORTATION COSTS.

**HOUSE BILL NO. 119  
BY REVENUE AND TAXATION COMMITTEE**

AN ACT

RELATING TO THE SALES AND USE TAX; AMENDING SECTION 63-3638, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DISTRIBUTION OF MONEYS TO DEVELOPERS OF CERTAIN RETAIL COMPLEXES AND TO PROVIDE A CORRECT CODE REFERENCE; REPEALING SECTION 63-3641, IDAHO CODE, RELATING TO TANGIBLE PERSONAL PROPERTY SOLD BY CERTAIN RETAILERS; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3641, IDAHO CODE, TO PROVIDE A SALES AND USE TAX REBATE TO DEVELOPERS OF CERTAIN RETAIL COMPLEXES, TO PROVIDE DEFINITIONS, TO PROVIDE PROVISIONS RELATING TO A WRITTEN CLAIM, TO PROVIDE FOR APPROVAL BY THE TAX COMMISSION, TO PROVIDE PROVISIONS RELATING TO THE REBATE AMOUNT, TO PROVIDE THAT CERTAIN INFORMATION IS CONFIDENTIAL, TO PROVIDE FOR DEPOSIT OF CERTAIN MONEYS AND TO PROVIDE FOR A REBATE LIMIT; AND DECLARING AN EMERGENCY.

[H 102](#), [H 103](#), [H 104](#), [H 105](#), [H 106](#), [H 107](#), [H 108](#), [H 109](#), [H 110](#), [H 111](#), [H 112](#), [H 113](#), [H 114](#), [H 115](#), [H 116](#), [H 117](#), [H 118](#), and [H 119](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1042](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.



S 1002, by Schroeder, was introduced, read the first time by title, and referred to the Resources and Conservation Committee.

S 1008, by Resources and Environment Committee, was introduced, read the first time by title, and referred to the Resources and Conservation Committee.

There being no objection, the House advanced to the Tenth Order of Business.

### Second Reading of Bills and Joint Resolutions

H 85 and H 86, by Appropriations Committee, were read the second time by title and filed for third reading.

S 1009, by Education Committee, was read the second time by title and filed for third reading.

### Third Reading of Bills and Joint Resolutions

H 30 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Kren to open debate.

The question being, "Shall H 30 pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – Gibbs. Total – 1.

Absent and excused – Barrett, Nielsen, Roberts, Wills. Total – 4.

Total – 70.

Whereupon the Speaker declared that H 30 passed the House. Title was approved and the bill ordered transmitted to the Senate.

SCR 102 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Black to open debate.

The question being, "Shall SCR 102 be adopted?"

Whereupon the Speaker declared SCR 102 adopted by voice vote and ordered the resolution returned to the Senate.

H 80 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wood(27) to open debate.

The question being, "Shall H 80 pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Barrett, Clark, Nielsen, Wills. Total – 4.

Total – 70.

Whereupon the Speaker declared that H 80 passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 1 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

The question being, "Shall H 1 pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Nielsen, Wills. Total – 2.

Total – 70.

Whereupon the Speaker declared that H 1 passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

### Adjournment

Mr. Moyle moved that the House adjourn until 8 a.m., Friday, February 13, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:51 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk